

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

Western District of Texas

Midland-Odessa Division

FILED

February 05, 2024

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASBY: KG
DEPUTY

Case No.

7:24-cv-043

(to be filled in by the Clerk's Office)

Ernest Adimora-Nweke

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Harris County, Houston Police Dept., CWS Galleria,
5250 L.P. (d/b/a "M5250"), et al

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS**

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Ernest Adimora-Nweke		
Address	c/o Adimora Law Firm, 3050 Post Oak Blvd., Ste. 510		
	Houston	TX	77056
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Harris		
Telephone Number	281-940-5170		
E-Mail Address	ernest@adimoralaw.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	CWS Galleria, 5250 L.P. (d/b/a "M5250" Apartments)		
Job or Title <i>(if known)</i>	Private Entity. Registered. Agent: CWS Apartment Homes LLC		
Address	Attn: Registered Agent, 9606 North Mopac Expwy, Ste 500		
	Austin	TX	78759
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Travis		
Telephone Number	512-837-3028		
E-Mail Address <i>(if known)</i>			

☒ Individual capacity ☐ Official capacity

Defendant No. 2

Name	Harris County		
Job or Title <i>(if known)</i>	Local Government Entity		
Address	c/o Harris County Judge, Lina Hidalgo, 1001 Preston, Suite 911		
	Houston	TX	77002
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Harris		
Telephone Number	713-755-4000		

E-Mail Address (*if known*)☐ Individual capacity ☒ Official capacity

Defendant No. 3

Name

Houston Police Department ("HPD")

Job or Title (*if known*)

c/o Chief of Police - Troy Finner

Address

1200 Travis St.

Houston

TXC

77002

City

State

Zip Code

County

Harris

Telephone Number

713-308-1600

E-Mail Address (*if known*)

Troy.Finner@HoustonPolice.org

☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name

Hannah Olivia Yarbrough-Smith

Job or Title (*if known*)

Address

2311 Mid Ln., Apt. 1013

Houston

TX

77027-4307

City

State

Zip Code

County

Harris

Telephone Number

E-Mail Address (*if known*)

hannahyar@gmail.com

☒ Individual capacity ☐ Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

- C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A at the moment.

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

See In re Ernest Adimora-Nweke, "Appellant's FRAP Rules 2, 21(c), 27, & 47.7 Motion for IFP & Extraordinary Writ," U.S. Fed. 5th Circ Appeal. Cause No: 22-20472, Document No. 00516471675, Filed on 9/14/2022; Available at <https://ecf.ca5.uscourts.gov/docs1/00506471675>

See also, Ernest Adimora-Nweke v. McGraw (Director), TxDPS, et al, "Petition for A Writ of Certiorari," U.S. Sup. Court Case No. 22-6773, Filed 11/14/2022; Available at http://www.supremecourt.gov/DocketPDF/22/22-6773/254749/20230214151126971_20230214-150708-95758816-00007291.pdf

See also, Adimora-Nweke v. Yarbrough-Smith, et al, "[Plaintiff's] 4th Amendment to Original Complaint," USDC Cause #: 4:20-cv-04149, Document No. 6, Filed on 12/8/2020, S.D. TX Houston; Available at <https://ecf.txsd.uscourts.gov/doc1/179137240706>

See also, Adimora-Nweke v. McGraw et al, USDC Cause # 4:22-cv-00765, Document No. 1-2 ("Appendix State Court Pleadings") pgs. 3-4 (Tex. R. Civ. Pro. R. 145 - IFP granted application from state court), pgs. 5-39 ("PLAINTIFFS ORIGINAL BILL OF REVIEW (INDEPENDENT ACTION IN EQUITY) COMPLAINT"), pgs. 224-249 ("PLAINTIFFS 1st SUPPLEMENT TO BILL OF REVIEW (INDEPENDENT ACTION IN EQUITY) COMPLAINT FOR NON-MCGRAW/TXDPS DEFENDANTS & CLAIMS"), pgs. 276-298 ("PLAINTIFF'S MOTION TO CERTIFY CLASS HARRIS COUNTY ET AL, MOTION FOR CLASS REPRESENTATIVE, & MOTION FOR CLASS COUNSEL & COUNSEL COMPENSATION ON DEFENDANTS & CLAIMS"), & pgs. 320-326 ("[PLAINTIFF'S] MOTION & ORDER FOR SEVERANCE"), Filed on 3/10/2022, S.D. TX, Houston; Available at <https://ecf.txsd.uscourts.gov/doc1/179140168995>

See also, Adimora-Nweke v. McGraw (Director) et al, "Plaintiff's Amended Original & Independent Action in Equity Complaint, & FRCP Rule 23(a), 23(b)(1)(A), 23(b)(1)(B), 23(b)(2), & 23(b)(3) Class Action Petition/Motion," USDC Cause # 1:23-cv-01048-RP, Document No. 7, Filed on 9/13/2023, W.D. Tx, Austin; Available at <https://ecf.txwd.uscourts.gov/doc1/181130867834>

See also, Ernest Adimora-Nweke v. Steven C. McGraw (Director) et al, "BRIEF OF APPELLANT ERNEST ADIMORA-NWEKE," & "APPELLANT BRIEF RECORD EXCERPTS," U.S. Fed. 5th Circ Appeal. Cause No: 23-5074, Documents Nos. 9 & 11, Filed on 11/27/2023 & 11/29/2023 respectively; Available at <https://ecf.ca5.uscourts.gov/docs1/00506980343> & <https://ecf.ca5.uscourts.gov/docs1/00506982942> respectively.

See also, attached (1) PARTIES - COMPLAINT SUPPL., (2) CULPABLE MENTAL STATE, RELIEFS, & DAMAGES - COMPLAINT SUPPL., & (3) JURISD. & VENUE - COMPLAINT SUPPL.
 ***** CONTENTS OF ABOVE DOCUMENTS HEREBY INCORPORATED AS CONTENT *****

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

See response to Section II(D) above.

B. What date and approximate time did the events giving rise to your claim(s) occur?

See response to Section II(D) above.

C. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

See response to Section II(D) above.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

See response to Section II(D) above.

(7) Plaintiff requests all relief allowed by Fed. & TX law & equity against each, any, & all Defendants, for each/every incident & claim, inclusive of any & all declaratory judgment(s) or class actions sought, & attorney's fees & costs. See e.g., 42 U.S.C. Sec. 1988.

(8) As applicable, & from each Defendant, Plaintiff requests maximum damages for inter alia, (a) harm to liberty/freedom, (b) property loss, (c) property damage, (d) insecurity/harm to security, (e) mental anguish, (f) pain & suffering, (g) emotional distress, (d) embarrassment, (h) humiliation, (i) loss of income (i.e., loss of vested & performed/performing contracts & clients. E.g. the diamond & gold clients, etc.); (j) loss of income opportunities (e.g., loss of other perspective precious commodities clients, contracts/transactions, revenue &/or profits.); (k) loss of business' & firm's reputation; (l) professional harm; & (m) harm to personal & professional reputation.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

See response to Section II(D) above.

(9) Inter alia,

(i) Plaintiff demands \$750,000,000 in compensatory damages against M5350, HPD, HC, et al Defendants, as applicable, for the HC Crim. At Law Court 8 & 15's Cause No. 2210800 & 2214242 events, & the HC Dist. Crt. 182 Cause No. 1598318 events – including for the assault & battery, & obstruction of justice Sec. 1985 damage claims waged;

(ii) Plaintiff demands \$1,450,555,970.40 in lost vested contract/income/income opportunity (i.e., for the lost diamonds supply contracts – calc. at 30% of supply value) as compensatory damages against Yarbrough, HC, HPD, Stalder, et al Defendants, as applicable, & for the HC Dist. Crt. 280's Cause 201917921 events; &

(iii) Plaintiff's compensatory damages for the lost vested gold supply contract is calculated as 30% the value of gold supplied. (NOTE: 750kgs of Gold (92% purity) in supply stock at the time, 285kg/month (92% purity) supply capacity, & supply/production growth anticipated).

Also, Plaintiffs requests & hereby motions for declaratory judgment, for "absolute immunity" as inapplicable for any Defendant; & is a null & void principle hereby abolished under federal common law.

(10) As already researched, analyzed, & cited in Plaintiff's writ of cert in SCOTUS Cause 22-6773, absolute immunity is (i) a [historic] fallacy, (ii) unconstitutional, (iii) not applicable in 42 U.S.C. Section 1983 claims, & (iv) is not rationally related to any legitimate government interest. See SCOTUS Cause No. 22-6773, Petitioner's Writ of Cert, Issue 2(A)(III) - hereby again incorporated by reference.

Neither [U.S.] president nor [fed] judges are immune from liability or criminal prosecution. See Art. 1, Sec. 7. (NEVERTHELESS clause) President, Judges, & all officials can be impeached and removed too; for treason, bribery, & other high crimes & misdemeanors. See U.S. Const. Art. 2, Sec. 4.

While judges only serve on good behavior (U.S. Const. Art. 3, Sec 1.), that "good behavior" statutory limitation language means judges, specifically, can be impeached & removed for actions that do not constitute treason, bribery, or any crime. Hence, even federal Judges can be impeached and removed for civil rights violations (coram non judice acts), or any other actions deemed improper by US Congress. See e.g., 28 U.S.C. 455(a) & (b), See also, Marhsall v. Jerrico Inc., 446 u.s. 238, 242-243 (1980) (discussing due process & disinterested, neutrally detached judge/magistrate requirement); See also, Bass v. Hoagland, 172 F.2d 205, 209 (5th Circ. 1949) (holding government action that violates constitution as null & void)

Declaration of Independence language that all are created equal, U.S. Const. Art. 1, Sec. 7, & U.S. Const. 5th & 14th Amendments, also show that no person, president or judge, is absolutely immune from liability or from criminal prosecution. See Decl. of Indep. (7/4/1776) U.S. Const. Amd. 5 & 14, Sec. 1; Art. 1, Sec. 7. (NEVERTHELESS clause).

Sec. 1983 & its legislative history already also shows that Congress debated & did NOT intend for state judges to have absolute immunity from liability. See 42 USC Sec. 1983; The Congressional Globe, 42d Cong., 1st Session. (1871) (Rep. Platt, Rep. Rainey, Rep. Beatty, Rep. Garfield, Sen. Thurman, Rep. Lewis, & Rep. Arthur's congressional remarks — judicial immunity unavailable for state court judges under Civil Rights Act of 1871; congress also intended Civil Rights Act as a specific remedy to harassment litigation & unjust prosecution injustices in southern courts.)

Supremacy Clause, 14th Amd. & Weinberger v Weinsfeld's principle of Fed equal protection applied same as state equal protection, affirms that absolute immunity is a null & void principle towards liability or criminal prosecution for state court judges, officials, governors, etc. See U.S. Const. Art. 6, Cl. 2 (Supremacy Clause); Weinberger v. Wiesenfeld, 420 U.S. 636, n.2 (1975); US Const. Amd. XIV, Sec. 1.

Also Plaintiff requests & hereby motions for declaratory judgment against Defendants on "qualified immunity" as inapplicable in this case. See, Taylor v. Riojas, 141 S. Ct. 52 (2020); See also, Village of Willowbrook v. Olech, 582 U.S. 562 (2000);

See also, In re Ernest Adimora-Nweke, "Appellant's FRAP Rules 2, 21(c), 27, & 47.7 Motion for IFP & Extraordinary Writ," U.S. Fed. 5th Circ Appeal. Cause No: 22-20472, Document No. 00516471675, Filed on 9/14/2022, Available at <https://ecf.ca5.uscourts.gov/docs1/00506471675>;

See also, Ernest Adimora-Nweke v. McGraw (Director), TxDPS, et al, "Petition for A Writ of Certiorari," U.S. Sup. Court Case No. 22-6773, Filed 11/14/2022, Available at http://www.supremecourt.gov/DocketPDF/22/22-6773/254749/20230214151126971_20230214-150708-95758816-00007291.pdf

Also Plaintiff requests & hereby motions for declaratory judgment against Defendants, as applicable/as raised for as defense, on "sovereign immunity." Tx Attorney General, acting in official capacity in USDC SDTX Cause No.s 4:20-CV-04149 & 4:22-CV-00765, already consented to the claims & action via TX Attorney General removal to federal court of the original filed action & claims in USDC SDTX No. 4:20-CV-04149 (Doc. 6), in the 1st independent action in equity attempt of USDC SDTX Cause No. 4:22-CV-00765 (Doc. 1-2)

All claims against Defendants were duly pled &/or duly sought joined including post grant of extraordinary writ sought in Fed. 5th Circuit Cause Nos. 22-20472; & in Fed. 5th Circuit Cause No. 22-20269 (i.e., appeal action of USDC SDTX Cause No. 4:22-CV-00765)

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 2/3/2024

Signature of Plaintiff /s/ Ernest Adimora-Nweke

Printed Name of Plaintiff ERNEST ADIMORA-NWEKE

B. For Attorneys

Date of signing: _____

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address